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(PATENT)**REMARKS****I. Introductory Comments**

As a preliminary matter, the Applicants thanks the Examiner for providing the Office Action and the new references cited therein. In the Office Action: (1) claims 1-14, 16, 17, 21-23, 25, and 30 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Application Publication No. 2002/0160751 (hereinafter "Sun") in view of U.S. Patent Application Publication No. 2003/0002632 (hereinafter "Bhogal"); claims 15, 18, 26, and 27 were rejected under 35 U.S.C. §103(a) as being obvious over Sun combined with Bhogal in view of U.S. Patent No. 6,587,871 (hereinafter "Schrader"); claims 19, 20, 28, and 29 were rejected under 35 U.S.C. §103(a) as being obvious over Sun combined with Bhogal and Schrader in view of U.S. Patent No. 5,524,137 (hereinafter "Rhee"); and claim 24 was rejected under 35 U.S.C. §103(a) as being obvious over Sun combined with Bhogal in view of PCT No. WO 98/39901 (hereinafter "Reichmann").

Applicants request entry of the amendments to claims 1, 4, 8, 11, 15-18, 20, and 22 provided above. Pursuant to 37 CFR 1.116(c), Applicants believe that entry of the amendments is necessary to more clearly articulate inventive aspects of the invention as compared to the newly cited Bhogal, Schrader, and Rhee references. The amendments were not made previously because Bhogal, Schrader, and Rhee were first introduced in the Office Action. Applicants request that the Examiner enter the proposed amendments and reconsider the claims for allowance.

Applicants respectfully traverse the rejections based on at least the reasons discussed below. In particular, claims 1-30 are in condition for allowance because the Examiner has not established a *prima facie* case of obviousness for every limitation recited in the claims. Further, the cited references teach away from the modifications and combinations suggested by the Examiner.

**II. Rejection of claims 1-14, 16, 17, 21-23, 25, and 30 under 35 U.S.C. §103(a).**

On page 2 of the Office Action, the Examiner rejected claims 1-14, 16, 17, 21-23, 25, and 30 under 35 U.S.C. §103(a) as being obvious over Sun in view of Bhogal. The Examiner admits on pages 3-6 of the Office Action that Sun does not teach every limitation recited in claims 1, 8, 16, and 22: "Sun does not explicitly teach the user interface configured to download the audio data from the remote storage device to the memory." The Examiner then asserts that Bhogal teaches this limitation. However, Bhogal is directed to a one-way voice

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mail system (see Abstract and paragraph [0007] of Bhogal), and contains no teaching of recording or downloading two-way conversation data as claimed.

The proposed amendments to claims 1, 8, 16, and 22 better articulate the "two-way conversation data" limitation recited in the claims. Amended claim 1 recites "a user interface configured to download the two-way conversation data from the remote storage device to the memory." This "two-way conversation data" distinction is also evidenced in the Applicants' specification, which distinguishes the recording of two-way conversations from one-way voice recordings that are provided by voice mail systems (see paragraphs [0003] and [0013] of the specification), such as the voice mail system taught in Bhogal. Therefore, contrary to assertions in the Office Action, Bhogal does not teach the claim limitation of downloading two-way conversation data. Therefore, the Office Action fails to establish a *prima facie* case of obviousness.

Based on the assertion that Bhogal teaches downloading conversation data, the Examiner suggests that it would have been obvious to modify Sun with the interface taught in Bhogal. However, the Examiner's asserted modification would not have been obvious to one of ordinary skill in the art because Bhogal is limited to recording and downloading one-way voice recordings in the context of a voicemail system. Moreover, Sun teaches away from the modification suggested in the Office Action. Sun expressly distinguishes its inventive concepts relating to two-way conversations from one-way voice message recordings:

Existing answering machines facilitate voice recording but could not provide regular two-way voice communication. Existing telephones with an integrated answering recorder is to provide a single apparatus for answering incoming calls when they are not picked up. Significantly different from those existing machines, the voice recorder in the present invention is not designed to answer incoming calls since in most cases a wireless carrier of wireless voice communication facilit[ates] automatic answering features through its base stations or centers.

(Sun, paragraph [0010], *with typographical correction made.*) Given Sun's teaching away from voicemail systems, it would not have been obvious to one of ordinary skill in the art to modify Sun to incorporate the teachings of Bhogal. Therefore, the Office Action fails to establish a *prima facie* case of obviousness. Based on the foregoing, claims 1, 8, 16, and 22, as well as all of their dependent claims (2-7, 9-15, 17-21, and 23-30), are in condition for allowance. Therefore, all pending claims (claims 1-30) are believed to be in condition for allowance.

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(PATENT)**III. Rejection of claims 15, 18, 26, and 27 under 35 U.S.C. §103(a).**

On page 6 of the Office Action, the Examiner rejected claims 15, 18, 26, and 27 under 35 U.S.C. §103(a) as being obvious over Sun combined with Bhogal in view of Schrader. Claims 15, 18, 26, and 27 are in condition for allowance as a result of their dependence from independent claims 8 and 22 for the reasons discussed above. Claims 15, 18, 26, and 27 are also in condition for allowance for further reasons. The Examiner admits that the combination of Sun and Bhogal does not disclose the functions of converting and translating audio data (Office Action, page 6). The Office Action then asserts that it would have been obvious to further modify the combination of Sun and Bhogal with the teachings of Schrader to include functions of converting and translating. However, the suggested modification would not have been obvious to one of ordinary skill in the art for the same reasons discussed above in relation to the combination of Sun and Bhogal.

The suggested modification would not have been obvious because, similar to Bhogal, Schrader is directed to voicemail systems. In particular, Schrader is directed to converting voicemail messages to text. Even if Schrader and Sun disclose alleviating the taking of notes by hand as asserted in the Office Action (page 7), Sun teaches away from voice messaging systems, and thus teaches away from combination with Schrader for the same reasons discussed above in relation to combination with Bhogal.

The chain of modifications suggested by the Examiner also evidences that it would not have been obvious to use Schrader to modify the combination of Sun and Bhogal. Applicants assert that it would not have been obvious to modify Sun with Bhogal and then modify the combination of Sun and Bhogal with Schrader.

Based on the foregoing, it would not have been obvious to modify Sun with the teachings of Schrader, and the Office Action has failed to establish a *prima facie* case of obviousness in regards to claims 15, 18, 26, and 27. Therefore, claims 15, 18, 26, and 27 are in condition for allowance.

**IV. Rejection of claims 19, 20, 28, and 29 under 35 U.S.C. §103(a).**

On page 7 of the Office Action, the Examiner rejected claims 19, 20, 28, and 29 under 35 U.S.C. §103(a) as being obvious over Sun combined with Bhogal and Schrader in view of Rhee. Claims 19, 20, 28, and 29 are in condition for allowance as dependent claims from independent claims 8 and 22 for the reasons discussed above. Claims 19, 20, 28, and 29 are also in condition for allowance for further reasons. The Examiner admits that the combination of Sun, Bhogal, and Schrader does not disclose audio translation service or text

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translation service for translating data from a first language to a second language (Office Action, pages 7-8). The Office Action then asserts that it would have been obvious to further modify the combination of Sun, Bhogal, and Schrader with the teachings of Rhee to include these limitations. However, the suggested modifications would not have been obvious to one of ordinary skill in the art for the same reasons discussed above in relation to the combination of Sun and Bhogal.

It would not have been obvious to one of ordinary skill in the art to combine Rhee with Sun because, similar to Bhogal, Rhee is directed to messaging systems. In particular, Rhee teaches a multi-media messaging system. As discussed above, Sun teaches away from messaging systems, and thus teaches away from combination with Rhee for the same reasons discussed above.

Moreover, the Office Action does not provide a motivation or suggestion to combine Rhee with Sun, Bhogal, and Schrader. The Office Action asserts that the suggested modifications would allow subscribers of different nationalities to access the same data by being able to choose between multiple language choices. However, the Office Action does not cite any support in the cited references for the asserted motivation to combine. If the Examiner is taking Official Notice that the asserted motivation would have been knowledge generally available to one of ordinary skill in the art, then pursuant to MPEP §2144.03, Applicants hereby request that the Examiner provide a duly executed affidavit or other documentary evidence in support of the taking of Official Notice.

The combination of four references to reject claims 19, 20, 28, and 29 also evidences that it would not have been obvious to use Rhee to modify the combination of Sun, Bhogal, and Schrader. Essentially, the Examiner has created a chain of modifications that would not have been obvious to one of ordinary skill in the art at the time of invention. Applicants assert that it would not have been obvious to modify Sun with Bhogal, then Sun and Bhogal with Schrader, and then Sun, Bhogal, and Schrader with Rhee.

Based on the foregoing, the Office Action has failed to establish a *prima facie* case of obviousness in regards to claims 19, 20, 28, and 29. Therefore, claims 19, 20, 28, and 29 are in condition for allowance.

**V. Rejection of claim 24 under 35 U.S.C. §103(a).**

On page 9 of the Office Action, the Examiner rejected claim 24 under 35 U.S.C. §103(a) as being obvious over Sun combined with Bhogal in view of Reichmann. Reichmann does not cure the deficiencies in the combination of Sun and Bhogal discussed above.

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Therefore, claim 24 is in condition for allowance as a dependent claim from independent claim 22 for at least the reasons discussed above.

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(PATENT)**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to enter the proposed amendments and pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 07-2347. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made, the fee for which should be charged to the above account number.

Respectfully submitted,

Dated: May 5, 2004

By 

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